

EMPLOYMENT SECURITY ADMINISTRATION

FUND REPEALER

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor: Michael T. Morley

LONG TITLE

General Description:

This bill repeals the Employment Security Administration Fund and makes conforming changes within Title 35A, Utah Workforce Services Code, and Title 63J, Budgeting.

Highlighted Provisions:

This bill:

- ▶ eliminates the Employment Security Administration Fund due to its obsolescence, allowing the Unemployment Insurance Division of the Department of Workforce Services to better meet its federal reporting requirements; and
- ▶ makes conforming and technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 35A-3-115**, as renumbered and amended by Laws of Utah 1998, Chapter 1
- 35A-4-201**, as last amended by Laws of Utah 2005, Chapter 81
- 35A-4-501**, as last amended by Laws of Utah 2006, Chapter 22
- 35A-4-506**, as last amended by Laws of Utah 1997, Chapter 375



28 35A-4-507, as renumbered and amended by Laws of Utah 1996, Chapter 240

29 63J-1-602, as enacted by Laws of Utah 2009, Chapter 368

30 REPEALS:

31 35A-4-505, as last amended by Laws of Utah 1998, Chapter 1



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section 35A-3-115 is amended to read:

35 **35A-3-115. Public Employment Offices -- Agreements with other authorities --**
36 **Federal system accepted -- Appropriation.**

37 (1) (a) The division shall establish and maintain free public employment offices in
38 ~~[such]~~ a manner and in such places as may be necessary for the proper administration of this
39 chapter and for the purposes of performing the functions as are within the purview of the Act of
40 Congress entitled "An act to provide for the establishment of a national employment system
41 and for co-operation with the states in the promotion of such system, and for other purposes,"
42 approved June 6, 1933, 48 Stat. 113; U. S. Code, Title 29, Section 49 (c) as amended,
43 hereinafter referred to as the "Wagner-Peyser Act."

44 (b) The division shall consult with regional councils on workforce services when
45 determining the location of public employment offices.

46 (c) A public employment office may be located in connection with or as an integrated
47 part of an employment center established under Section 35A-2-203.

48 (2) (a) The provisions of the Wagner-Peyser Act, 29 U.S.C. 49-49c, 49g, 49h, 49k, and
49 557, are accepted by this state~~[, and the]~~.

50 (b) The department is designated and constitutes the agency of this state for the
51 purposes of the act.

52 ~~[(3) All moneys received by this state under the Wagner-Peyser Act shall be paid into~~
53 ~~the Employment Security Administration Fund created by Section 35A-4-505 and shall be~~
54 ~~expended solely for the maintenance of the state system of public employment offices.]~~

55 ~~[(4)]~~ (3) (a) For the purpose of establishing and maintaining free public employment
56 offices, and promoting the use of their facilities, the division ~~[is authorized to]~~ may enter into
57 agreements with the railroad retirement board, or any other agency of the United States, or of
58 this or any other state, charged with the administration of any law whose purposes are

59 reasonably related to the purposes of this chapter~~[-and as].~~

60 (b) As a part of ~~[such agreements]~~ an agreement entered into under Subsection (3)(a),
61 the division may accept moneys, services, or quarters as a contribution to the maintenance of
62 the state system of public employment offices or as reimbursement for services performed.

63 ~~[(b) All moneys received or appropriated for such purposes shall be paid into the~~
64 ~~Employment Security Administration Fund.]~~

65 Section 2. Section **35A-4-201** is amended to read:

66 **35A-4-201. General definitions.**

67 As used in this chapter:

68 (1) "Base-period" means the first four of the last five completed calendar quarters next
69 preceding the first day of the individual's benefit year with respect to any individual whose
70 benefit year commences on or after January 5, 1986.

71 (2) "Benefit year" means the 52 consecutive week period beginning with the first week
72 with respect to which an individual files for benefits and is found to have an insured status.

73 (3) "Benefits" means the money payments payable to an individual as provided in this
74 chapter with respect to the individual's unemployment.

75 (4) "Calendar quarter" means the period of three consecutive months ending on March
76 31, June 30, September 30, or December 31, or the equivalent, as the department may by rule
77 prescribe.

78 (5) "Contribution" means the money payments required by this chapter to be made into
79 the Unemployment Compensation Fund by any employing unit on account of having
80 individuals in its employ.

81 (6) "Division" means the Unemployment Insurance Division.

82 (7) "Employment office" means a free public employment office or branch operated by
83 this or any other state as a part of a state-controlled system of public employment offices or by
84 a federal agency charged with the administration of an unemployment compensation program
85 or free public employment offices.

86 ~~[(8) "Employment Security Administration Fund" means the fund established by~~
87 ~~Section 35A-4-505, and from which administrative expenses under this chapter shall be paid.]~~

88 ~~[(9)]~~ (8) "Extended benefits" has the meaning specified in Subsection 35A-4-402(7)(f).

89 ~~[(10)]~~ (9) "Fund" means the Unemployment Compensation Fund established by this

90 chapter.

91 ~~[(11)]~~ (10) "Insured average annual wage" means on or before the 15th day of
92 each year, the total wages of insured workers for the preceding calendar year, divided by the
93 average monthly number of insured workers, determined by dividing by 12 the total insured
94 workers for the preceding calendar year as determined under the rules of the department
95 calculated to two decimal places, disregarding any fraction of one cent.

96 ~~[(12)]~~ (11) "Insured average fiscal year wage" means on or before the 15th day of
97 November of each year, the total wages of insured workers for the preceding fiscal year,
98 divided by the average monthly number of insured workers, determined by dividing by 12 the
99 total insured workers for the preceding fiscal year as determined under the rules of the
100 department calculated to two decimal places, disregarding any fraction of one cent.

101 ~~[(13)]~~ (12) "Insured average fiscal year weekly wage" means the insured average fiscal
102 year wage determined in Subsection ~~[(12)]~~ (11), divided by 52, calculated to two decimal
103 places, disregarding any fraction of one cent.

104 ~~[(14)]~~ (13) "Insured average weekly wage" means the insured average annual wage
105 determined in Subsection ~~[(11)]~~ (10), divided by 52, calculated to two decimal places,
106 disregarding any fraction of one cent.

107 ~~[(15)]~~ (14) "Insured status" means that an individual has, during the individual's
108 base-period, performed services and earned wages in employment sufficient to qualify for
109 benefits under Section 35A-4-403.

110 ~~[(16)]~~ (15) "Insured work" means employment for an employer, as defined in Section
111 35A-4-203.

112 ~~[(17)]~~ (16) "Monetary base period wage requirement" means 8% of the insured average
113 fiscal year wage for the preceding fiscal year, for example, fiscal year 1990 for individuals
114 establishing benefit years in 1991, rounded up to the next higher multiple of \$100.

115 ~~[(18)]~~ (17) "State" includes the Commonwealth of Puerto Rico, the Virgin Islands, and
116 the District of Columbia.

117 ~~[(19)]~~ (18) "Tribal unit" means a subdivision, subsidiary, or business enterprise wholly
118 owned by an American Indian tribe.

119 ~~[(20)]~~ (19) "Week" means the period or periods of seven consecutive calendar days as
120 the department may prescribe by rule.

121 Section 3. Section **35A-4-501** is amended to read:

122 **35A-4-501. Unemployment Compensation Fund -- Administration -- Contents --**
 123 **Treasurer and custodian -- Separate accounts -- Use of money requisitioned -- Advances**
 124 **under Social Security Act.**

125 (1) (a) There is established the Unemployment Compensation Fund, separate and apart
 126 from all public moneys or funds of this state, that shall be administered by the department
 127 exclusively for the purposes of this chapter.

128 (b) This fund shall consist of the following moneys, all of which shall be mingled and
 129 undivided:

130 ~~[(a)]~~ (i) all contributions collected under this chapter, less refunds of contributions
 131 made from the clearing account under Subsection 35A-4-306(5);

132 ~~[(b)]~~ (ii) interest earned upon any moneys in the fund;

133 ~~[(c)]~~ (iii) any property or securities acquired through the use of moneys belonging to
 134 the fund;

135 ~~[(d)]~~ (iv) all earnings of the property or securities;

136 ~~[(e)]~~ (v) all money credited to this state's account in the unemployment trust fund under
 137 Section 903 of the Social Security Act, 42 U.S.C. 1101 et seq., as amended; and

138 ~~[(f)]~~ (vi) all other moneys received for the fund from any other source.

139 (2) (a) The state treasurer shall;

140 (i) be the treasurer and custodian of the fund~~[-and shall];~~

141 (ii) administer the fund in accordance with the directions of the division; and ~~[shall]~~

142 (iii) pay all warrants drawn upon it by the division or its duly authorized agent in
 143 accordance with rules made by the department.

144 (b) The division shall maintain within the fund three separate accounts:

145 (i) a clearing account;

146 (ii) an unemployment trust fund account; and

147 (iii) a benefit account.

148 ~~[(b)]~~ (c) All moneys payable to the fund, upon receipt by the division, shall be
 149 immediately deposited in the clearing account.

150 ~~[(c)]~~ (d) (i) All moneys in the clearing account after clearance shall, except as
 151 otherwise provided in this section, be deposited immediately with the secretary of the treasury

152 of the United States of America to the credit of the account of this state in the unemployment
153 trust fund, established and maintained under Section 904 of the Social Security Act, 42 U.S.C.
154 1104, as amended, any provisions of law in this state relating to the deposit, administration,
155 release, or disbursement of moneys in the possession or custody of this state to the contrary
156 notwithstanding.

157 (ii) Refunds of contributions payable under Subsections 35A-4-205(1)(a) and
158 35A-4-306(5) may be paid from the clearing account or the benefit account.

159 ~~[(d)]~~ (e) The benefit account shall consist of all moneys requisitioned from this state's
160 account in the unemployment trust fund in the United States treasury.

161 ~~[(e)]~~ (f) Moneys in the clearing and benefit accounts may be deposited in any
162 depository bank in which general funds of this state may be deposited, but no public deposit
163 insurance charge or premium may be paid out of the fund.

164 ~~[(f)]~~ (g) (i) Moneys in the clearing and benefit accounts may not be commingled with
165 other state funds, but shall be maintained in separate accounts on the books of the depository
166 bank.

167 (ii) The money shall be secured by the depository bank to the same extent and in the
168 same manner as required by the general depository law of this state.

169 (iii) Collateral pledged for this purpose shall be kept separate and distinct from any
170 collateral pledged to secure other funds of the state.

171 ~~[(g)]~~ (h) (i) The state treasurer is liable on the state treasurer's official bond for the
172 faithful performance of the state treasurer's duties in connection with the unemployment
173 compensation fund provided for under this chapter.

174 (ii) The liability on the official bond shall be effective immediately upon the enactment
175 of this provision, and that liability shall exist in addition to the liability upon any separate bond
176 existent on the effective date of this provision, or which may be given in the future.

177 (iii) All sums recovered for losses sustained by the fund shall be deposited in the fund.

178 (3) (a) (i) Moneys requisitioned from the state's account in the unemployment trust
179 fund shall, except as set forth in this section, be used exclusively for the payment of benefits
180 and for refunds of contributions under Subsections 35A-4-205(1)(a) and 35A-4-306(5).

181 (ii) The department shall from time to time requisition from the unemployment trust
182 fund amounts, not exceeding the amounts standing to this state's account in the fund, as it

183 considers necessary for the payment of those benefits and refunds for a reasonable future
184 period.

185 (iii) (A) Upon receipt the treasurer shall deposit the moneys in the benefit account and
186 shall pay benefits and refunds from the account by means of warrants issued by the division in
187 accordance with rules prescribed by the department.

188 (B) Expenditures of these moneys in the benefit account and refunds from the clearing
189 account are not subject to any provisions of law requiring specific appropriations or other
190 formal release by state officers of money in their custody.

191 (b) Moneys in the state's account in the unemployment trust fund that were collected
192 under the Federal Unemployment Tax Act, 26 U.S.C. 3301 et seq., and credited to the state
193 under Section 903 of the Social Security Act, 42 U.S.C. 1101 et seq., as amended may be
194 requisitioned from the state's account and used in the payment of expenses incurred by the
195 department for the administration of the state's unemployment law and public employment
196 offices, if the expenses are incurred and the withdrawals are made only after and under a
197 specific appropriation of the Legislature that specifies:

198 (i) the purposes and amounts;

199 (ii) that the moneys may not be obligated after the two-year period that began on the
200 date of the enactment of the appropriation law; and

201 (iii) that the total amount which may be used during a fiscal year shall not exceed the
202 amount by which the aggregate of the amounts credited to this state's account under Section
203 903 of the Social Security Act, 42 U.S.C. 1101 et seq., as amended, during the fiscal year and
204 the 34 preceding fiscal years, exceeds the aggregate of the amounts used by this state for
205 administration during the same 35 fiscal years.

206 (A) For the purpose of Subsection (3)(b)(iii), amounts used during any fiscal year shall
207 be charged against equivalent amounts that were first credited and that have not previously
208 been so charged. An amount used during any fiscal year may not be charged against any
209 amount credited during a fiscal year earlier than the 34th preceding fiscal year.

210 (B) Except as appropriated and used for administrative expenses, as provided in this
211 section, moneys transferred to this state under Section 903 of the Social Security Act as
212 amended, may be used only for the payment of benefits.

213 (C) Any moneys used for the payment of benefits may be restored for appropriation

214 and use for administrative expenses, upon request of the governor, under Section 903(c) of the
215 Social Security Act.

216 ~~[(D)] Money appropriated as provided in this section for the payment of expenses of~~
217 ~~administration shall be requisitioned as needed for the payment of obligations incurred under~~
218 ~~the appropriation and, upon requisition, shall be deposited in the employment security~~
219 ~~administration fund from which the payments shall be made.]~~

220 ~~[(E)]~~ (D) The division shall maintain a separate record of the deposit, obligation,
221 expenditure, and return of funds deposited.

222 ~~[(F)]~~ (E) Money deposited shall, until expended, remain a part of the unemployment
223 fund and, if not expended, shall be returned promptly to the account of this state in the
224 unemployment trust fund.

225 ~~[(G)]~~ (F) The moneys available by reason of this legislative appropriation shall not be
226 expended or available for expenditure in any manner that would permit their substitution for,
227 or a corresponding reduction in, federal funds that would in the absence of the moneys be
228 available to finance expenditures for the administration of this chapter.

229 (c) Any balance of moneys requisitioned from the unemployment trust fund that
230 remains unclaimed or unpaid in the benefit account after the expiration of the period for which
231 the sums were requisitioned shall either be deducted from estimates for, and may be utilized for
232 the payment of, benefits and refunds during succeeding periods, or in the discretion of the
233 division, shall be redeposited with the secretary of the treasury of the United States of America
234 to the credit of the state's account in the unemployment trust fund, as provided in Subsection
235 (2).

236 (4) (a) The provisions of Subsections (1), (2), and (3), to the extent that they relate to
237 the unemployment trust fund, shall be operative only so long as the unemployment trust fund
238 continues to exist and so long as the secretary of the treasury of the United States of America
239 continues to maintain for the state a separate book account of all moneys deposited in the fund
240 by the state for benefit purposes, together with the state's proportionate share of the earnings of
241 the unemployment trust fund, from which no other state is permitted to make withdrawals.

242 (b) (i) When the unemployment trust fund ceases to exist, or the separate book account
243 is no longer maintained, all moneys belonging to the unemployment compensation fund of the
244 state shall be administered by the division as a trust fund for the purpose of paying benefits

245 under this chapter, and the division shall have authority to hold, invest, transfer, sell, deposit,
246 and release the moneys, and any properties, securities, or earnings acquired as an incident to
247 the administration.

248 (ii) The moneys shall be invested in readily marketable bonds or other interest-bearing
249 obligations of the United States of America, of the state, or of any county, city, town, or school
250 district of the state, at current market prices for the bonds.

251 (iii) The investment shall be made so that all the assets of the fund shall always be
252 readily convertible into cash when needed for the payment of benefits.

253 Section 4. Section **35A-4-506** is amended to read:

254 **35A-4-506. Special Administrative Expense Fund.**

255 (1) There is created in the General Fund a restricted account known as the Special
256 Administrative Expense Fund.

257 (2) (a) All interest and penalties collected under this chapter, less refunds made under
258 Subsection 35A-4-306(5), shall be paid into this fund from the clearing account of the fund at
259 the end of each calendar month.

260 (b) Any voluntary contributions tendered as a contribution to this fund and any other
261 moneys received for that purpose shall be paid into this fund.

262 (c) The moneys shall not be expended or available for expenditure in any manner that
263 would permit their substitution for, or a corresponding reduction in, federal funds that would in
264 the absence of those moneys be available to finance expenditures for the administration of this
265 chapter.

266 (3) Nothing in this section shall prevent those moneys from being used as a revolving
267 fund to cover expenditures, necessary and proper under this chapter, for which federal funds
268 have been duly requested but not yet received subject to the charging of those expenditures
269 against the funds when received.

270 (4) The moneys in this fund shall be deposited, administered, and dispersed in
271 accordance with the directions of the Legislature.

272 [~~5) The moneys shall be used for the payment of costs of administration that are found
273 not to have been properly and validly chargeable against federal grants or other funds received
274 for or in the Employment Security Administration Fund, and may be used for the payment of
275 refunds of interest and penalties under Subsection 35A-4-306(5). The moneys shall be~~

276 available either to satisfy the obligations incurred by the division directly or by requesting the
 277 state treasurer to transfer the required amounts from the Special Administrative Expense Fund
 278 to the Employment Security Administration Fund.]

279 ~~[(6)]~~ (5) The moneys in this fund are hereby specifically made available to replace
 280 within a reasonable time any moneys received by this state under Section 302 of the Federal
 281 Social Security Act, 42 U.S.C. 502, as amended, that because of any action of contingency
 282 have been lost or have been expended for purposes other than or in amounts in excess of those
 283 necessary for the proper administration of this chapter.

284 ~~[(7)]~~ (6) The moneys in this fund shall be continuously available to the division for
 285 expenditure in accordance with this section and shall not lapse at any time or be transferred to
 286 any other fund except as directed by the Legislature.

287 ~~[(8)]~~ (7) The state treasurer shall pay all warrants drawn upon it by the division or its
 288 duly authorized agent in accordance with such rules as the department shall prescribe.

289 ~~[(9)]~~ (8) (a) The state treasurer shall be liable on the state treasurer's official bond for
 290 the faithful performance of the treasurer's duties in connection with the special administrative
 291 expense fund provided for under this chapter.

292 (b) Liability on the official bond shall exist in addition to any liability upon any
 293 separate bond existent on the effective date of this provision or that may be given in the future.

294 (c) All sums recovered on any surety bond losses sustained by the special
 295 administrative expense fund shall be deposited in that fund or in the General Fund if so
 296 directed by the Legislature.

297 Section 5. Section ~~35A-4-507~~ is amended to read:

298 **35A-4-507. Authority to obtain money from state's account in federal**
 299 **unemployment trust fund -- Use and deposit.**

300 (1) Notwithstanding the provisions of Sections 35A-4-501~~[-35A-4-505;]~~ and
 301 35A-4-506, the department ~~[is authorized to]~~ may requisition and receive from the state's
 302 account in the unemployment trust fund in the treasury of the United States the moneys
 303 standing to the state's credit as may, consistent with conditions for approval of this chapter
 304 under the Federal Unemployment Tax Act, 26 U.S.C. 3301 et seq., be used for expenses of
 305 administering this chapter and to expend ~~[such]~~ those moneys for ~~[such]~~ that purpose.

306 (2) Moneys ~~[sø]~~ requisitioned under Subsection (1) shall be deposited in the Special

307 Administrative Expense Fund.

308 Section 6. Section **63J-1-602** is amended to read:

309 **63J-1-602. Nonlapsing accounts and funds.**

310 (1) The following revenue collections, appropriations from a fund or account, and
311 appropriations to a program are nonlapsing:

312 (a) appropriations made to the Legislature and its committees;

313 (b) funds collected by the grain grading program, as provided in Section 4-2-2;

314 (c) the Salinity Offset Fund created in Section 4-2-8.5;

315 (d) the Invasive Species Mitigation Fund created in Section 4-2-8.7;

316 (e) funds collected by pesticide dealer license registration fees, as provided in Section
317 4-14-3;

318 (f) funds collected by pesticide applicator business registration fees, as provided in
319 Section 4-14-13;

320 (g) the Rangeland Improvement Fund created in Section 4-20-2;

321 (h) funds deposited as dedicated credits under the Insect Infestation Emergency Control
322 Act, as provided in Section 4-35-6;

323 (i) the Percent-for-Art Program created in Section 9-6-404;

324 (j) the Centennial History Fund created in Section 9-8-604;

325 (k) the Uintah Basin Revitalization Fund, as provided in Section 9-10-108;

326 (l) the Navajo Revitalization Fund created in Section 9-11-104;

327 (m) the LeRay McAllister Critical Land Conservation Program created in Section
328 11-38-301;

329 (n) the Clean Fuels and Vehicle Technology Fund created in Section 19-1-403;

330 (o) fees deposited as dedicated credits for hazardous waste plan reviews, as provided in
331 Section 19-6-120;

332 (p) an appropriation made to the Division of Wildlife Resources for the appraisal and
333 purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6;

334 (q) award monies under the Crime Reduction Assistance Program, as provided under
335 Section 24-1-19;

336 (r) funds collected from the emergency medical services grant program, as provided in
337 Section 26-8a-207;

338 (s) fees and other funding available to purchase training equipment and to administer
339 tests and conduct quality assurance reviews, as provided in Section 26-8a-208;

340 (t) funds collected as a result of a sanction under Section 1919 of Title XIX of the
341 federal Social Security Act, as provided in Section 26-18-3;

342 (u) the Utah Health Care Workforce Financial Assistance Program created in Section
343 26-46-102;

344 (v) monies collected from subscription fees for publications prepared or distributed by
345 the insurance commissioner, as provided in Section 31A-2-208;

346 (w) monies received by the Insurance Department for administering, investigating
347 under, and enforcing the Insurance Fraud Act, as provided in Section 31A-31-108;

348 (x) certain monies received for penalties paid under the Insurance Fraud Act, as
349 provided in Section 31A-31-109;

350 (y) the fund for operating the state's Federal Health Care Tax Credit Program, as
351 provided in Section 31A-38-104;

352 (z) certain funds in the Department of Workforce Services' program for the education,
353 training, and transitional counseling of displaced homemakers, as provided in Section
354 35A-3-114;

355 [~~(aa) the Employment Security Administration Fund created in Section 35A-4-505;~~]

356 [(~~bb~~) (aa)] the Special Administrative Expense Fund created in Section 35A-4-506;

357 [(~~cc~~) (bb)] funding for a new program or agency that is designated as nonlapsing under
358 Section 36-24-101;

359 [(~~dd~~) (cc)] the Oil and Gas Conservation Account created in Section 40-6-14.5;

360 [(~~ee~~) (dd)] funds available to the State Tax Commission for purchase and distribution
361 of license plates and decals, as provided in Section 41-1a-1201;

362 [(~~ff~~) (ee)] certain fees for the cost of electronic payments under the Motor Vehicle Act,
363 as provided in Section 41-1a-1221;

364 [(~~gg~~) (ff)] certain fees collected for administering and enforcing the Motor Vehicle
365 Business Regulation Act, as provided in Section 41-3-601;

366 [(~~hh~~) (gg)] certain fees for the cost of electronic payments under the Motor Vehicle
367 Business Regulation Act, as provided in Section 41-3-604;

368 [(~~ii~~) (hh)] the Off-Highway Access and Education Restricted Account created in

369 Section 41-22-19.5;
370 ~~[(jj)]~~ (ii) certain fees for the cost of electronic payments under the Motor Vehicle Act,
371 as provided in Section 41-22-36;
372 ~~[(kk)]~~ (jj) monies collected under the Notaries Public Reform Act, as provided under
373 46-1-23;
374 ~~[(hh)]~~ (kk) certain funds associated with the Law Enforcement Operations Account, as
375 provided in Section 51-9-411;
376 ~~[(mm)]~~ (ll) the Public Safety Honoring Heroes Restricted Account created in Section
377 53-1-118;
378 ~~[(nn)]~~ (mm) funding for the Search and Rescue Financial Assistance Program, as
379 provided in Section 53-2-107;
380 ~~[(oo)]~~ (nn) appropriations made to the Department of Public Safety from the
381 Department of Public Safety Restricted Account, as provided in Section 53-3-106;
382 ~~[(pp)]~~ (oo) appropriations to the Motorcycle Rider Education Program, as provided in
383 Section 53-3-905;
384 ~~[(qq)]~~ (pp) fees collected by the State Fire Marshal Division under the Utah Fire
385 Prevention and Safety Act, as provided in Section 53-7-314;
386 ~~[(rr)]~~ (qq) the DNA Specimen Restricted Account created in Section 53-10-407;
387 ~~[(ss)]~~ (rr) the minimum school program, as provided in Section 53A-17a-105;
388 ~~[(tt)]~~ (ss) certain funds appropriated from the Uniform School Fund to the State Board
389 of Education for new teacher bonus and performance-based compensation plans, as provided in
390 Section 53A-17a-148;
391 ~~[(uu)]~~ (tt) certain funds appropriated from the Uniform School Fund to the State Board
392 of Education for implementation of proposals to improve mathematics achievement test scores,
393 as provided in Section 53A-17a-152;
394 ~~[(vv)]~~ (uu) the School Building Revolving Account created in Section 53A-21-401;
395 ~~[(ww)]~~ (vv) monies received by the State Office of Rehabilitation for the sale of certain
396 products or services, as provided in Section 53A-24-105;
397 ~~[(xx)]~~ (ww) the State Board of Regents, as provided in Section 53B-6-104;
398 ~~[(yy)]~~ (xx) certain funds appropriated from the General Fund to the State Board of
399 Regents for teacher preparation programs, as provided in Section 53B-6-104;

400 [~~(zzz)~~] (yy) a certain portion of monies collected for administrative costs under the
401 School Institutional Trust Lands Management Act, as provided under Section 53C-3-202;
402 [~~(aaa)~~] (zz) certain surcharges on residence and business telecommunications access
403 lines imposed by the Public Service Commission, as provided in Section 54-8b-10;
404 [~~(bbb)~~] (aaa) certain fines collected by the Division of Occupational and Professional
405 Licensing for violation of unlawful or unprofessional conduct that are used for education and
406 enforcement purposes, as provided in Section 58-17b-505;
407 [~~(ccc)~~] (bbb) the Nurse Education and Enforcement Fund created in Section
408 58-31b-103;
409 [~~(ddd)~~] (ccc) funding of the controlled substance database, as provided in Section
410 58-37-7.7;
411 [~~(eee)~~] (ddd) the Certified Nurse Midwife Education and Enforcement Fund created in
412 Section 58-44a-103;
413 [~~(fff)~~] (eee) funding for the building inspector's education program, as provided in
414 Section 58-56-9;
415 [~~(ggg)~~] (fff) certain fines collected by the Division of Occupational and Professional
416 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as
417 provided in Section 58-63-103;
418 [~~(hhh)~~] (ggg) the Professional Geologist Education and Enforcement Fund created in
419 Section 58-76-103;
420 [~~(iii)~~] (hhh) certain monies in the Water Resources Conservation and Development
421 Fund, as provided in Section 59-12-103;
422 [~~(jjj)~~] (iii) funds paid to the Division of Real Estate for the cost of a criminal
423 background check for broker and sales agent licenses, as provided in Section 61-2-9;
424 [~~(kkk)~~] (jjj) the Utah Housing Opportunity Restricted Account created in Section
425 61-2-28;
426 [~~(HH)~~] (kkk) funds paid to the Division of Real Estate for the cost of a criminal
427 background check for a mortgage loan license, as provided in Section 61-2c-202;
428 [~~(mmm)~~] (lll) funds paid to the Division of Real Estate in relation to examination of
429 records in an investigation, as provided in Section 61-2c-401;
430 [~~(nnn)~~] (mmm) certain funds donated to the Department of Human Services, as

431 provided in Section 62A-1-111;
432 [~~(ooo)~~] (nnn) certain funds donated to the Division of Child and Family Services, as
433 provided in Section 62A-4a-110;
434 [~~(ppp)~~] (ooo) the Mental Health Therapist Grant and Scholarship Program, as provided
435 in Section 62A-13-109;
436 [~~(qqq)~~] (ppp) assessments for DUI violations that are forwarded to an account created
437 by a county treasurer, as provided in Section 62A-15-503;
438 [~~(rrr)~~] (qqq) appropriations to the Division of Services for People with Disabilities, as
439 provided in Section 62A-5-102;
440 [~~(sss)~~] (rrr) certain donations to the Division of Substance Abuse and Mental Health, as
441 provided in Section 62A-15-103;
442 [~~(ttt)~~] (sss) certain funds received by the Division of Parks and Recreation from the sale
443 or disposal of buffalo, as provided under Section 63-11-19.2;
444 [~~(uuu)~~] (ttt) revenue for golf user fees at the Wasatch Mountain State Park, Palisades
445 State Park, or Jordan River State Park, as provided under Section 63-11-19.5;
446 [~~(vvv)~~] (uuu) revenue for golf user fees at the Green River State Park, as provided
447 under Section 63-11-19.6;
448 [~~(www)~~] (vvv) the Centennial Nonmotorized Paths and Trail Crossings Program
449 created under Section 63-11a-503;
450 [~~(xxx)~~] (www) the Bonneville Shoreline Trail Program created under Section
451 63-11a-504;
452 [~~(yyy)~~] (xxx) the account for the Utah Geological Survey, as provided in Section
453 63-73-10;
454 [~~(zzz)~~] (yyy) the Risk Management Fund created under Section 63A-4-201;
455 [~~(aaa)~~] (zzz) the Child Welfare Parental Defense Fund created in Section 63A-11-203;
456 [~~(bbb)~~] (aaa) the Constitutional Defense Restricted Account created in Section
457 63C-4-103;
458 [~~(ccc)~~] (bbb) a portion of the funds appropriated to the Utah Seismic Safety
459 Commission, as provided in Section 63C-6-104;
460 [~~(ddd)~~] (ccc) funding for the Medical Education Program administered by the
461 Medical Education Council, as provided in Section 63C-8-102;

462 [~~(eeee)~~] (dddd) certain monies payable for commission expenses of the Pete Suazo
463 Utah Athletic Commission, as provided under Section 63C-11-301;

464 [~~(ffff)~~] (eeee) funds collected for publishing the Division of Administrative Rules'
465 publications, as provided in Section 63G-3-402;

466 [~~(gggg)~~] (ffff) the appropriation to fund the Governor's Office of Economic
467 Development's Enterprise Zone Act, as provided in Section 63M-1-416;

468 [~~(hhhh)~~] (gggg) the Tourism Marketing Performance Account, as provided in Section
469 63M-1-1406;

470 [~~(iiii)~~] (hhhh) certain funding for rural development provided to the Office of Rural
471 Development in the Governor's Office of Economic Development, as provided in Section
472 63M-1-1604;

473 [~~(jjjj)~~] (iiii) certain monies in the Development for Disadvantaged Rural Communities
474 Restricted Account, as provided in Section 63M-1-2003;

475 [~~(kkkk)~~] (jjjj) appropriations to the Utah Science Technology and Research Governing
476 Authority, created under Section 63M-2-301, as provided under Section 63M-3-302;

477 [~~(HHH)~~] (kkkk) certain monies in the Rural Broadband Service Fund, as provided in
478 Section 63M-1-2303;

479 [~~(mmmm)~~] (llll) funds collected from monthly offender supervision fees, as provided
480 in Section 64-13-21.2;

481 [~~(nnnn)~~] (mmmm) funds collected by the housing of state probationary inmates or state
482 parole inmates, as provided in Subsection 64-13e-104(2);

483 [~~(oooo)~~] (nnnn) the Sovereign Lands Management account created in Section 65A-5-1;

484 [~~(pppp)~~] (oooo) certain forestry and fire control funds utilized by the Division of
485 Forestry, Fire, and State Lands, as provided in Section 65A-8-103;

486 [~~(qqqq)~~] (pppp) the Department of Human Resource Management user training
487 program, as provided in Section 67-19-6;

488 [~~(rrrr)~~] (qqqq) funds for the University of Utah Poison Control Center program, as
489 provided in Section 69-2-5.5;

490 [~~(ssss)~~] (rrrr) appropriations to the Transportation Corridor Preservation Revolving
491 Loan Fund, as provided in Section 72-2-117;

492 [~~(tttt)~~] (ssss) appropriations to the Local Transportation Corridor Preservation Fund, as

493 provided in Section 72-2-117.5;
494 [~~(uuuu)~~] (tttt) appropriations to the Tollway Restricted Special Revenue Fund, as
495 provided in Section 77-2-120;
496 [~~(vvvv)~~] (uuuu) appropriations to the Aeronautics Construction Revolving Loan Fund,
497 as provided in Section 77-2-122;
498 [~~(wwwv)~~] (vvvv) appropriations to the State Park Access Highways Improvement
499 Program, as provided in Section 72-3-207;
500 [~~(xxxx)~~] (wwwv) the Traffic Noise Abatement Program created in Section 72-6-112;
501 [~~(yyyy)~~] (xxxx) certain funds received by the Office of the State Engineer for well
502 drilling fines or bonds, as provided in Section 73-3-25;
503 [~~(zzzz)~~] (yyyy) certain monies appropriated to increase the carrying capacity of the
504 Jordan River that are transferred to the Division of Parks and Recreation, as provided in
505 Section 73-10e-1;
506 [~~(aaaa)~~] (zzzz) certain fees for the cost of electronic payments under the State Boating
507 Act, as provided in Section 73-18-25;
508 [~~(bbbb)~~] (aaaa) certain monies appropriated from the Water Resources Conservation
509 and Development Fund, as provided in Section 73-23-2;
510 [~~(cccc)~~] (bbbb) the Lake Powell Pipeline Project Operation and Maintenance Fund
511 created in Section 73-28-404;
512 [~~(ddd)~~] (cccc) certain funds in the Water Development and Flood Mitigation
513 Reserve Account, as provided in Section 73-103-1;
514 [~~(eeee)~~] (dddd) certain funds appropriated for compensation for special prosecutors,
515 as provided in Section 77-10a-19;
516 [~~(ffff)~~] (eeee) the Indigent Aggravated Murder Defense Trust Fund created in Section
517 77-32-601;
518 [~~(gggg)~~] (ffff) the Indigent Felony Defense Trust Fund created in Section 77-32-701;
519 [~~(hhhh)~~] (gggg) funds donated or paid to a juvenile court by private sources, as
520 provided in Subsection 78A-6-203(1)(c);
521 [~~(iiii)~~] (hhhh) a state rehabilitative employment program, as provided in Section
522 78A-6-210; and
523 [~~(jjjj)~~] (iiii) fees from the issuance and renewal of licenses for certified court

524 interpreters, as provided in Section 78B-1-146.

525 (2) No revenue collection, appropriation from a fund or account, or appropriation to a
526 program may be treated as nonlapsing unless:

527 (a) it is expressly referenced by this section;

528 (b) it is designated in a condition of appropriation in the appropriations bill; or

529 (c) nonlapsing authority is granted under Section 63J-1-603.

530 (3) Each legislative appropriations subcommittee shall review the accounts and funds
531 that have been granted nonlapsing authority under this section or Section 63J-1-603.

532 Section 7. **Repealer.**

533 This bill repeals:

534 Section **35A-4-505, Employment Security Administration Fund.**

Legislative Review Note
as of **2-11-10 9:13 AM**

Office of Legislative Research and General Counsel

S.B. 181 - Employment Security Administration Fund Repealer

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
